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MS AP
REPLY UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1641

PATENT
0397-0431P

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DEC 09 2003

IN THE U.S. PATENT AND TRADEMARK OFFICE

| | | | |
|------------|-------------------------|-----------|------------|
| Applicant: | Shinya UCHIDA et al. | Conf.: | 8191 |
| Appl. No.: | 09/915,580 | Group: | 1641 |
| Filed: | July 27, 2001 | Examiner: | COOK, Lisa |
| For: | WHOLE BLOOD IMMUNOASSAY | | |

OFFICIAL

REPLY AFTER FINAL UNDER 37 C.F.R. § 1.116

MS AP
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 30, 2003

Sir:

In reply to the Office Action dated August 04, 2003, the following Remarks are respectfully submitted in connection with the above-identified application.

This reply includes Remarks and an English translation of JP

60-47962.

01/02/2004 HVILLARI 00000001 022448 09915580

01 FC:1252 410.00 DA

Adjustment date: 03/18/2004 SDIRETAE
01/02/2004 HVILLARI 00000001 022448 09915580
01 FC:1252 410.00 CR



STATUS AND ENTRY
BRANCH

101 MAR -9 AM 9:55

DET # REF
Room 304

MS 16
PATENT
0397-0431P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Shinya UCHIDA et al. Conf.: 8191
Appl. No.: 09/915,580 Group: 1641
Filed: July 27, 2001 Examiner: LISA COOK
For: WHOLE BLOOD IMMUNOASSAY
Patent No.: Issued:
Control No.:

ATTN: REFUND SECTION
ACCOUNTING DIVISION
OFFICE OF FINANCE

REQUEST FOR REFUND
(Improper Charge of Deposit Account)

MS 16

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

March 5, 2004

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account
02-2448 shown on the statement for the month of January 2004 for the above-
identified

☒ application ☐ patent

☒ A copy of the monthly statement in which the error referred to occurs,
accompanies this request.

STATUS AND ENTRY
SEARCH

201 MAR -9 AM 9:55

II. FEES CHARGED FOR WHICH REFUND REQUESTED

AMOUNT OF
REFUND
REQUESTED

- | | | |
|-------------------------------------|--|---------------|
| <input type="checkbox"/> | filing fee | _____ |
| <input type="checkbox"/> | surcharge for filing the basic filing on a date later than the filing date of the application (37 C.F.R. § 1.16(e)) | _____ |
| | and/or | |
| <input type="checkbox"/> | surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e)) | _____ |
| <input checked="" type="checkbox"/> | extension of term | |
| | <input type="checkbox"/> first month | _____ |
| | <input checked="" type="checkbox"/> second month | <u>410.00</u> |
| | <input type="checkbox"/> third month | _____ |
| | <input type="checkbox"/> fourth month | _____ |
| <input type="checkbox"/> | excess claims | _____ |
| <input type="checkbox"/> | issue fee | _____ |
| <input type="checkbox"/> | petition fee | _____ |
| <input type="checkbox"/> | patent maintenance fee | |
| | <input type="checkbox"/> first maintenance fee | _____ |
| | <input type="checkbox"/> second maintenance fee | _____ |
| | <input type="checkbox"/> third maintenance fee | _____ |
| <input type="checkbox"/> | patent maintenance fee surcharge | _____ |
| <input type="checkbox"/> | Other: _____ | _____ |

TOTAL REFUND REQUESTED

\$410.00

2004 MAR -9 AM 9:55

Docket No. 0397-0431P

STATUS AND BRANCH
BRANCH

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

On January 2, 2004, the Examiner in charge of the above-identified application, unknowingly to the Applicants, charged Deposit Account 02-2448 in the amount of \$410.00 for a two month extension of time. The Examiner made an obvious mistake, since a two month extension of time costs \$420.00.

On February 3, 2004, Applicants filed a Notice of Appeal with a check in the amount of \$1280.00 for the Notice of Appeal fee (\$330.00) and the three month extension of time fee (\$950.00). A copy of the stamped postcard showing receipt by the U.S.P.T.O. of the fees is attached. However, the two month extension of time had already been charged to the Deposit Account on January 2, 2004, and only the third month extension of time in the amount of \$540.00 was due. Therefore, credit to the deposit account in the amount of \$410.00 is due to Applicants.

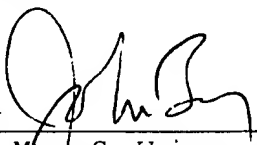
IV. MANNER OF REFUND

Please make refund by crediting Account No. 02-2448.

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #32,181
Marc S. Weiner, #32,181

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

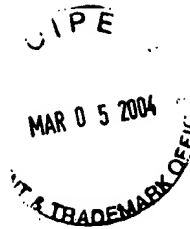
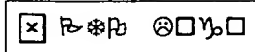
MSW/KJR/jao
0397-0431P

Attachment (s)

(Rev. 02/18/2004)

STATUS AND EIGHT
BRANCH

2004 MAR -9 AM 9:55

**Deposit Account Statement**

Requested Statement Month: January 2004
Deposit Account Number: 022448
Name: BIRCH STEWART KOLASCH & BIRCH
Attention:
Address: 8110 GATEHOUSE ROAD
City: FALLS CHURCH
State: VA
Zip: 22042

| DATE | SEQ | POSTING REF TXT | ATTORNEY DOCKET NBR | FEE CODE | AMT | BAL |
|-------|-----|--------------------|---------------------------|-------------|-------------|---------|
| 01/02 | 1 | 09915580 | 0397-0431P | 1252 | \$410.00 | \$18,00 |
| 01/02 | 19 | 10688927 | 0505-1250P | 1203 | -\$290.00 | \$18,29 |
| 01/02 | 179 | 09403286 | 1163-256P | 1253 | \$20.00 | \$18,27 |
| 01/02 | 312 | 78347060 | 4413-0136T | 7001 | \$335.00 | \$17,93 |
| 01/05 | 3 | 10367857 | | 9204 | -\$130.00 | \$18,06 |
| 01/05 | 23 | 10447948 | 025-1046P | 1202 | \$306.00 | \$17,76 |
| 01/05 | 24 | 10447948 | 025-1046P | 1203 | \$290.00 | \$17,47 |
| 01/05 | 33 | 10701685 | | 9204 | -\$766.00 | \$18,23 |
| 01/05 | 133 | 2788310 | 40280130FCA | 8503 | \$15.00 | \$18,22 |
| 01/05 | 140 | 78347410 | 0288-0454T | 7001 | \$335.00 | \$17,88 |
| 01/05 | 141 | 78347411 | 0460-0228T | 7001 | \$335.00 | \$17,55 |
| 01/05 | 249 | 10056721 | 346 | 1252 | \$10.00 | \$17,54 |
| 01/06 | 1 | 10447948 | 025-1046P | 1202 | -\$306.00 | \$17,84 |
| 01/06 | 2 | 10447948 | 025-1046P | 1202 | \$234.00 | \$17,61 |
| 01/06 | 6 | 10469513 | | 9204 | -\$126.00 | \$17,73 |
| 01/06 | 7 | 10469513 | | 1616 | \$280.00 | \$17,45 |
| 01/06 | 28 | 10482051 | 2593-0143P | 1615 | \$270.00 | \$17,18 |
| 01/06 | 29 | E-REPLENISHMENT | | 9203 | -\$6,000.00 | \$23,18 |
| 01/06 | 33 | 10114263 | 00330796P | 8007 | \$20.00 | \$23,16 |
| 01/06 | 39 | 1383877 | | 8503 | \$15.00 | \$23,15 |
| 01/06 | 40 | 10469092 | | 9204 | -\$80.00 | \$23,23 |
| 01/06 | 119 | 10746510 | L8370-01006 | 2001 | \$385.00 | \$22,84 |
| 01/06 | 121 | 60512846 | 28700269PGMMLAS | 8007 | \$40.00 | \$22,80 |
| 01/06 | 165 | 09672879 | 0757-0225P | 1252 | \$10.00 | \$22,79 |
| 01/06 | 167 | 10460503 | 2121-0173P | 2051 | \$65.00 | \$22,73 |
| 01/06 | 168 | 10460503 | 2121-0173P | 2251 | \$55.00 | \$22,67 |
| 01/06 | 180 | 09970684 | 0179-0179P | 1806 | \$180.00 | \$22,49 |
| 01/06 | 192 | 09674768 | 0147-0215P | 1801 | \$770.00 | \$21,72 |
| 01/06 | 193 | 09674768 | 0147-0215P | 1252 | \$420.00 | \$21,30 |
| 01/06 | 211 | 60529352 | 2750-1585P | 2005 | \$80.00 | \$21,22 |
| 01/06 | 320 | 78347862 | 0698-0169T | 7001 | \$335.00 | \$20,89 |



STARIS AND ENTITY
BRANCH

201 MAR -9 AM 9:55

Papers Filed herewith on: 5-3-04
DOCKET NO.: 0397-0431P ATTY.: MSW/KJR
APPLICANT(S): S. Uchida et al
APPLN. NO: 09195,580 FILED: 7-27-01
PAT NO.:

- ☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.114(RCE)
☐ Specification Consisting of: _____ pages
☐ Combined Declaration & Power of Attorney
☐ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-Ink
☐ Completion of Filing Requirements, PCT/DO/EO/905
or Formalities Letter and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. _____
☐ Amendment:
☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity
☐ Response
☐ Information Disc Stmt. PTO-1449(s) _____ doc(s)
☐ PTO/ISA/210
☒ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal ☐ Sequence Listing
☒ FEES: \$1280.00 Check No. 9612357
☐ Letter: _____
☐ Other: _____

FEB 03 2004

Receipt is hereby acknowledged of the papers filed as
indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: 2-4-07
Handcarry: _____

DOCKET NO. 0397-0431P